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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,226	09/09/2004	Sigeru Matsuyama	Kusumoto 232-KFM	4079
10037	7590	08/08/2007		
MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606			EXAMINER JACYNA, J CASIMER	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/507,226

Applicant(s)

MATSUYAMA, SIGERU

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3754

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- 1) The embodiment as shown in figures 1 and 2.
- 2) The embodiment as shown in figures 3-7.
- 3) The embodiment as shown in figure 8.
- 4) The embodiment as shown in figure 9.
- 5) The embodiment as shown in figures 10-13.
- 6) The embodiment as shown in figures 14 and 15.
- 7) The embodiment as shown in figure 16.
- 8) The embodiment as shown in figures 17-19.
- 9) The embodiment as shown in figure 20.
- 10) The embodiment as shown in figure 21.
- 11) The embodiment as shown in figure 22.
- 12) The embodiment as shown in figure 23.
- 13) The embodiment as shown in figure 24.
- 14) The embodiment as shown in figure 25.
- 15) The embodiment as shown in figure 26.
- 16) The embodiment as shown in figure 27.
- 17) The embodiment as shown in figure 28.
- 18) The embodiment as shown in figure 29.

- 19) The embodiment as shown in figure 30.
- 20) The embodiment as shown in figure 31.
- 21) The embodiment as shown in figure 32.
- 22) The embodiment as shown in figure 33.
- 23) The embodiment as shown in figure 34.
- 24) The embodiment as shown in figure 35.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

- 1) The embodiment as shown in figures 1 and 2: claims 2 and 12.
- 2) The embodiment as shown in figures 3-7: claims 3-5, 13 and 14.
- 3) The embodiment as shown in figure 8: claims 3-5, 13 and 14.
- 4) The embodiment as shown in figure 9: claims 8 and 15.
- 5) The embodiment as shown in figures 10-13: claims 3-7, 13 and 14.

Art Unit: 3754

- 6) The embodiment as shown in figures 14 and 15: claims 3-7, 13 and 14.
- 7) The embodiment as shown in figure 16: claims 3-7, 13 and 14.
- 8) The embodiment as shown in figures 17-19: claims 3-6, 13 and 14.
- 9) The embodiment as shown in figure 20: claims 3 and 13.
- 10) The embodiment as shown in figure 21: claims 2, 12 and 17.
- 11) The embodiment as shown in figure 22: claims 2, 12 and 17.
- 12) The embodiment as shown in figure 23: claims 2 and 12.
- 13) The embodiment as shown in figure 24: claims 2 and 12.
- 14) The embodiment as shown in figure 25: claims 2, 12 and 17.
- 15) The embodiment as shown in figure 26: claims 2 and 12.
- 16) The embodiment as shown in figure 27: claims 2, 12 and 17.
- 17) The embodiment as shown in figure 28: claims 2 and 12.
- 18) The embodiment as shown in figure 29: claims 2, 12 and 17.
- 19) The embodiment as shown in figure 30: claims 2 and 12.
- 20) The embodiment as shown in figure 31: claims 2 and 12.
- 21) The embodiment as shown in figure 32: claims 2 and 12.
- 22) The embodiment as shown in figure 33: claims 2 and 12.
- 23) The embodiment as shown in figure 34: claims 3-7, 13 and 14.
- 24) The embodiment as shown in figure 35: claims 3-7, 13 and 14.

The following claim(s) are generic: 1, 9-11 and 16.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: As noted in the Search Report mailed 5/13/2003, the independent generic claims are not allowable in

Art Unit: 3754

view of the cited Japanese applications 4176/1994 and 87278/1994. Since claims 1 and 11 are not allowable, there is no allowable single general inventive concept.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

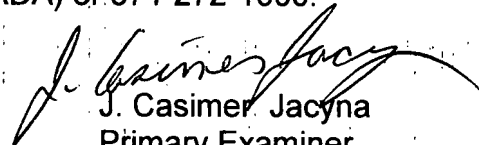
Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
J. Casimer Jacyna  
Primary Examiner  
Art Unit 3754

CJ